

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DENNIS JAMES CLARK,

Plaintiff,

v.

WILLIAM TERRY, et al.,

Defendants.

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Civil Action No. 5:09-CV-365 (HL)

ORDER

The Recommendation of United States Magistrate Judge Claude W. Hicks Jr., entered May 26, 2010 (Doc. 24), is before the Court. The Magistrate Judge recommends that the Motion to Dismiss filed by Defendants Terry, Perry, and Fye (Doc. 17) be granted.

Plaintiff did not file a response to the Motion to Dismiss. He also did not file written objections to the Recommendation, as permitted by 28 U.S.C. § 636(b)(1). Plaintiff has now, however, filed a pleading entitled Motion for Extension of Time to Prepare Case (Doc. 25), in which he requests an additional 60 days to “prepare his case.” His request is based on several grounds, including that acting now would not be fair and just, that he is not an attorney, that he cannot afford to hire an attorney, and that he has recently been declared disabled by the Social Security Administration.

Defendants filed their Motion to Dismiss on January 7, 2010. The Magistrate Judge issued an order on January 8, 2010 notifying Plaintiff of the motion, ordering him to file a response no later than February 1, 2010, and warning Plaintiff that the court would consider the motion uncontested if he failed to respond and the motion could be granted. Plaintiff obviously received this order, as on January 13, 2010, he filed a motion for an additional 60 days to respond to the Motion to Dismiss, which was granted, giving Plaintiff until March 3, 2010 to file a response. The extended deadline for Plaintiff to respond to the Motion to Dismiss passed over three months ago. Plaintiff was aware of his obligations in this case, and he failed to meet them, even though he was given ample time to do so. The Court sees no reason to delay ruling on the Recommendation.

The Court has reviewed the Recommendation and finds no clear error in the Magistrate Judge's decision. Accordingly, the Court accepts the Recommendation to grant Defendants' Motion to Dismiss (Doc. 17). Plaintiff's Motion for Extension of Time (Doc. 25) and Motion to Appoint Counsel (Doc. 26) are denied.

SO ORDERED, this the 21st day of June, 2010.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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